

EXHIBIT D



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 17, 2021

BY EMAIL

The Honorable Barbara S. Jones
Bracewell LLP
1251 Avenue of the Americas, 49th Floor
New York, New York 10020
barbara.jones@bracewell.com

Re: *In re Search Warrant dated November 5, 2021, 21 Misc. 813 (AT)*
In re Search Warrant dated November 3, 2021, 21 Misc. 819 (AT)
In re Search Warrant dated November 3, 2021, 21 Misc. 825 (AT)

Dear Judge Jones:

The Government respectfully submits this letter to provide an update concerning the status of the electronic devices that are the subject of the Special Master's review.

Devices Seized from James E. O'Keefe, III

Item No.	Device	Data on or After 8/1/20	Status	Size	Date Provided to Special Master
1B62	Silver iPhone A1921 Model, IMEI: [REDACTED]		Attempts to access ongoing		
1B61	White iPhone 12 Pro Max, IMEI: [REDACTED] ¹	Yes	Attempts to access ongoing		

¹ Prior to this device locking pursuant to its security settings (and before Mr. O'Keefe filed a motion for the appointment of a special master), law enforcement agents took photographs of a limited set of the device's contents as displayed on its screen. The Government will provide those photographs, which the Government has not reviewed since the filing of Mr. O'Keefe's motion, for inclusion in the Special Master's review.

As reflected above, law enforcement's attempts to access these devices are ongoing. The Government invites Mr. O'Keefe to provide the passwords for these devices in the event he wishes to expedite the extraction process.

Devices Seized from Eric Cochran

Item No.	Device	Data on or After 8/1/20	Status	Size	Date Provided to Special Master
1B42	Key Fob SD Card		In queue to be processed		
1B41	Gaming Tower and Power Cord		In queue to be processed		
1B40	Google Pixel 5 ²	Yes	In queue to be processed		
1B39	Seagate Hard Drive		In queue to be processed		
1B38.1	SD Storage Card		In queue to be processed		
1B38.2	SD Storage Card		In queue to be processed		
1B38.3	USB		In queue to be processed		
1B37	Nexus Tablet		In queue to be processed		
1B36	Toshiba Hard Drive		In process		
1B35	Microsoft laptop		In queue to be processed		
1B34	Seagate Hard Drive		In process		
1B33	Seagate Hard Drive		In queue to be processed		
1B32.1	Micro SD card		In process		
1B32.2	Micro SD card		In queue to be processed		
1B32.3	Micro SD card		In queue to be processed		
1B32.4	Micro SD card		In queue to be processed		

² Prior to this device locking pursuant to its security settings (and before Mr. Cochran filed a motion for the appointment of a special master), law enforcement agents took photographs and video recordings of a limited set of the device's contents as displayed on its screen. The Government will provide those photographs and video recordings, which the Government has not reviewed since the filing of Mr. Cochran's motion, for inclusion in the Special Master's review.

Item No.	Device	Data on or After 8/1/20	Status	Size	Date Provided to Special Master
1B32.5	Micro SD card		In queue to be processed		
1B32.6	Micro SD card		In queue to be processed		
1B32.7	Micro SD card		In queue to be processed		
1B31	Raspberry PI with Micro SD Card		In queue to be processed		
1B30	Cellphone		In queue to be processed		
1B29.1	Thumbdrive		In queue to be processed		
1B29.2	Thumbdrive		In queue to be processed		
1B29.3	Thumbdrive		In queue to be processed		
1B29.4	Thumbdrive		In queue to be processed		
1B29.5	Thumbdrive		In queue to be processed		
1B29.6	Thumbdrive		In queue to be processed		
1B29.7	Thumbdrive		In queue to be processed		

Devices Seized from Spencer Meads

Item No.	Device	Data on or After 8/1/20	Status	Size	Date Provided to Special Master
1B60	Sandisk Extreme Plus		In process		
1B58	One Apple iPhone IMEI: [REDACTED]	Yes	Complete	Pending	To Be Provided Week of 12/20/21
1B57	FOB with Micro SD, FCC: [REDACTED]	Yes	Complete	Pending	To Be Provided Week of 12/20/21
1B56	Lenovo laptop with charger, serial: [REDACTED]		In process		

Item No.	Device	Data on or After 8/1/20	Status	Size	Date Provided to Special Master
1B55	ASUS laptop ID: [REDACTED]		In process		
1B54	Flip phone MEDI: [REDACTED], Serial: [REDACTED]	No	Complete	N/A	N/A
1B53	Blackberry MEDI Hex: [REDACTED]	No	Complete	N/A	N/A
1B52	Rose Gold iPhone IMEI: [REDACTED]	No	Complete	N/A	N/A
1B51	Rose Gold iPhone IMEI: [REDACTED]		In queue to be processed		
1B50	Silver iPhone IMEI: [REDACTED]	No	Complete	N/A	N/A
1B49	Black smartphone IMEI: [REDACTED]	No	Complete	N/A	N/A
1B48	Silver and White iPhone IMEI: [REDACTED]	No	Complete	N/A	N/A
1B47	Silver iPhone IMEI: [REDACTED]		Non-functional; attempts to repair ongoing		
1B46	Silver iPhone IMEI: [REDACTED]		Non-functional; attempts to repair ongoing		
1B45	Black iPhone IMEI: [REDACTED]		In queue to be processed		
1B44	White iPhone IMEI: [REDACTED]	Yes	Complete	Pending	To Be Provided Week of 12/20/21
1B43	Black iPhone IMEI: [REDACTED]		Non-functional; attempts to repair ongoing		

In addition, an Apple laptop was recovered from Meads's residence that was subsequently determined to belong to one of Meads's roommates. That device has been returned to that individual.


* * *

Based on information provided by the Federal Bureau of Investigation (“FBI”), the FBI is able to obtain information about whether there is data in a particular timeframe present on a computer or electronic storage media (such as a hard drive) without first extracting the entire device, but it is not able to do so for cellphones or tablets. Accordingly, for the computers and electronic storage media for which the extraction process has not yet commenced, the FBI will first ascertain the timeframe of data present on the device and then proceed to extract data from the device only if that date is August 1, 2020 or later; for the computers and electronic storage media for which the extraction process is underway or has been completed, the Government will provide to the Special Master the contents of those devices only if the date of the most recent data present on the device is from August 1, 2020 or later. Similarly, for cellphones and tablets, the FBI will extract the contents of each device and then the Government will only provide to the Special Master the contents of those devices for which the date of the most recent data present on the device is from August 1, 2020 or later.

The Government is available to provide any additional information that would be of assistance to the Special Master.

Respectfully submitted,

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